



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: October 20, 2006
TO: Driver Education Providers and Instructors
FROM: Michigan Department of State, Driver Programs Division
SUBJECT: **Driver Education Provider and Instructor Act**

Following is a summary of the Driver Education Provider and Instructor Act (PA 384 of 2006). It outlines how the Act affects providers and instructors. Please share this information with your instructors.

More detailed information will be available at a series of workshops to be conducted in November and December by the Driver Programs Division. The workshop schedule is enclosed. We strongly encourage you to attend one of these sessions. Manuals containing information on how to comply with the Act will be distributed. Manuals will be mailed at a later date to those who are unable to attend.

BACKGROUND

Michigan Secretary of State Terri Lynn Land appointed an advisory committee to recommend improvements to Michigan's driver education program. The goal was to eliminate overlap in statutory requirements, create a level playing field for Michigan's driver education program, achieve consistency in program objectives, strengthen and improve curriculum, and establish appropriate requirements and qualifications for driver education providers and instructors.

The committee – comprised of driver education providers, instructors, third party skills testers and other safety advocates – completed its work in late 2005. Based on the committee's conclusions, Secretary Land proposed numerous enhancements to the law in April 2006. Those proposals became the basis for the Driver Education Provider and Instructor Act, which was signed into law on September 26 as PA 384 of 2006. It took effect October 1.

DRIVER EDUCATION PROVIDERS

Driver education providers and instructors are no longer "licensed" or "approved;" instead, they will be "certified." Except as noted, all requirements apply to all providers and instructors.

You should be aware of some changes in terminology: the terms "commercial" and "noncommercial" are no longer used to identify any driver education provider; and public, private and parochial schools are now identified as educational institutions. Governmental agencies offering driver education are also required to be certified.

CERTIFICATION APPLICATION

1. Providers will be certified according to the following classifications:
 - a. Teen and/or Adult (automobile) driver training
 - b. Truck driver training
2. **All** driver education providers will be certified biennially (every two years) by the Secretary of State. Certifications expire exactly two years from the date of issuance.
3. Provider applications will be mailed to all existing providers in February 2007.
4. Existing providers may continue to provide driver education as long as their completed certification application is received in our office by June 1, 2007. This means a current driver training school license with an expiration date of December 31, 2006, will be valid until June 1, 2007.
5. Providers will no longer be required to license or approve instructors, but will be required to verify each instructor's certification. Providers are required to inform the Secretary of State of employment changes. For more information, see details under Driver Education Instructors on Page 3.

APPLICATION FEES

1. Teen and adult driver training providers will pay a nonrefundable application processing fee of \$225 for the two-year certification (*previously \$125 per year*).
2. Truck driver training providers will pay a nonrefundable application processing fee of \$360 for the two-year certification (*previously \$200 per year*).
3. Educational institutions and governmental agencies are exempt from certification fees.
4. A teen provider, including an educational institution or governmental agency, which intends to use a range must submit a range application with a \$125 facility review and approval fee. *There will be no grandfathering of existing ranges.*
5. Providers will pay a \$75 range renewal fee with each certification renewal.

PROGRAM REQUIREMENTS

1. Surety bond (per year):
 - a. 999 or fewer students: principal sum of \$20,000 (*previously \$10,000*).
 - b. 1,000 or more students: principal sum of \$40,000 (*previously \$20,000*).
 - c. Truck driver training school: principal sum of \$50,000 (*previously \$10,000*).
 - d. Educational institutions and governmental agencies are exempt.
2. Property damage liability insurance on training vehicles: \$50,000 per vehicle (*previously \$10,000*). Bodily injury limits of \$100,000/\$300,000 remain the same.
3. Criminal history check: the owner, designated representative or coordinator must complete a criminal history check every four years.
4. Each provider offering classroom instruction (teen and truck) is required to file a program request form prior to holding a class. After each class is held, teen providers must file a program completion data form listing items including student names and certificates issued. Truck schools will continue to submit student information on biannual reports.
5. If a fee is charged for instruction, a provider must have a written agreement (contract) with each student.
6. Providers must maintain records prescribed by the Secretary of State for not less than 4 years.
7. Prior to employing an instructor, a provider must verify that the instructor is certified, and must inform the Secretary of State of its intent to employ the instructor.
8. Classrooms will be approved only in public or commercial settings. (Existing classrooms in residences will remain approved, but no new residence classrooms will be approved.)

TEEN CURRICULUM

1. A model segment 1 and segment 2 curriculum will be prescribed by the Secretary of State.

2. By September 1, 2007, providers must either adopt the curriculum, or receive approval from the Secretary of State to use an alternative curriculum that meets or exceeds the standards of the prescribed curriculum.
3. Each student must successfully pass a written knowledge test prescribed by the Secretary of State for each segment.
4. For students under the age of 18, a written agreement must stipulate that on-the-road instruction will be provided with not less than 2 students present, unless waived by the student's parent or legal guardian.

Segment 1

1. Classroom instruction of 4 or more hours must be completed before the student begins behind-the-wheel instruction.
2. Behind-the-wheel instruction of 3 or more hours must be completed before classroom instruction concludes.
3. A student must complete any remaining required behind-the-wheel instruction no later than 3 weeks after the last classroom instruction has been completed.
4. Behind-the-wheel instruction on a multiple vehicle driving facility (range) may be substituted for not more than 2 hours of on-the-road instruction. *Previously, 3 hours of substitution was allowed.* The Secretary of State will give providers written approval to utilize a range, based on verification that the range meets the written standards prepared by the Secretary of State.
5. A student must receive 4 or more hours of behind-the-wheel observation time during segment 1.

Segment 2

A student must possess a level 1 graduated driver license for not less than 3 continuous months to be eligible for segment 2. *Previously, 3 months must have elapsed since the completion of segment 1.*

DRIVER EDUCATION INSTRUCTORS

CERTIFICATION APPLICATION

1. **All** driver education instructors will be certified biennially (every two years) **DIRECTLY** by the Secretary of State. Providers will no longer make application for the licensure and/or approval of their instructors.
2. Original instructor certification applications will be mailed to all currently licensed instructors in February 2007. Applications for all other instructors (those working for educational institutions or governmental agencies) will be mailed to the educational institution or governmental agency.
3. Currently, an approved/licensed instructor may continue to teach driver education as long as his/her completed certification application is received in our office by June 1, 2007. Thus, a current driver training school instructor license with an expiration date of December 31, 2006, will be valid until June 1, 2007.
4. **All** instructors will need to submit criminal history checks every 4 years and medical reports (not older than 90 days) every two years.
5. An instructor will need only one certification, which will be valid for employment at any provider. *Previously, instructors were required to be licensed for each employer, and teen providers were required to obtain approval letters for each instructor.*
6. PA 384 of 2006 no longer requires a public, private, or parochial school instructor to possess a valid Michigan teaching certificate.
7. Conditional certification will be granted to an individual enrolled in a university instructor preparation program practicum course. See **INSTRUCTOR PREPARATION REQUIREMENTS** on Page 4.

APPLICATION FEES

With an original or renewal application, the instructor will pay a nonrefundable application processing fee of \$45.

PROFESSIONAL DEVELOPMENT CRITERIA

Instructors applying for renewal certification must provide evidence that they meet the professional development criteria to be established by the Secretary of State. Most instructor certificates will be renewed for the first time in 2009.

INSTRUCTOR PREPARATION REQUIREMENTS

1. A university that offers an instructor preparation program must meet program standards specified by the Secretary of State no later than September 1, 2007.
2. A driver education instructor preparation program must consist of at least 4 courses. Each course must be the equivalent of at least 2 semester hours and must be at least 3 weeks in duration.
3. The fourth course must be a practicum, where a conditionally certified instructor receives hands-on teaching experience in both classroom and behind-the-wheel instruction at a certified driver education program under the guidance of a cooperating instructor.
4. **All** instructors teaching teens and adults (automobile driver training), who apply for original certification on or after January 1, 2008, must meet these requirements.
5. An instructor who teaches an instructor preparation course must possess a master's degree in education and a valid driver education instructor certificate.

DISCIPLINARY ACTIONS

CRIMINAL HISTORY

The Secretary of State shall automatically deny an original application for a provider or instructor, or revoke an existing certificate, if a criminal history check indicates a conviction for specified felonies (including criminal sexual conduct, fraud, and drug-related crimes).

DRIVING OFFENSES

The Secretary of State shall automatically deny an original application, or revoke an existing certificate, if a driving record check indicates any of the following:

1. Prior 5 years: Any driving violation for which 4 or more points were assessed.
2. Prior 2 years:
 - a. Three or more driver license denials, suspensions, or revocations.
 - b. Conviction or finding of responsibility for 2 or more motor vehicle accidents.
 - c. An accumulation of 6 or more points for driving violations.
 - d. Certain other driving offenses, i.e., careless driving, open intoxicants in a vehicle.

OTHER VIOLATIONS OF THE ACT

The Secretary of State may deny, suspend, or revoke a provider's or instructor's certification and/or impose administrative fines for violations (not to exceed \$1000 for each violation) of the Act, which may include, but are not limited to:

1. making untrue or misleading statements in connection with an application,
2. permitting or engaging in fraud,
3. engaging in an unfair or deceptive practice, and
4. failing to maintain good moral character.